

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO.: 1:16-CV-01044-CCE-LPA**

DAVID CLARK, et al.,

Plaintiffs,

v.

DUKE UNIVERSITY, et al.,

Defendants.

**DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56, Defendants Duke University, the Duke Investment Advisory Committee, Kyle Cavanaugh, Tim Walsh, James S. Roberts, Rhonda Brandon, Steve Smith, Anders Hall, Richard Schmalbeck, Michael Lazar, Dr. Nan Jokerst, Eric Koehrsen, and Jean Shields (collectively, "Defendants"), through their undersigned counsel, respectfully move for summary judgment as to all of Plaintiffs' claims. In support of this motion, Defendants submit the accompanying Memorandum of Law in Support of Defendants' Motion for Summary Judgment, the Declarations of Kyle Cavanaugh, Katherine Ortiz, and Abbey M. Glenn, and the exhibits thereto.

WHEREFORE, for the reasons set forth in the accompanying Memorandum, Defendants respectfully request that the Court grant the motion and dismiss all claims, and grant such other relief as the Court determines is just and appropriate.

Dated: November 16, 2018

/s/ Jeremy P. Blumenfeld

Jeremy P. Blumenfeld

MORGAN, LEWIS & BOCKIUS LLP

1701 Market Street

Philadelphia, PA 19103-2921

Telephone: 215.963.5000

Facsimile: 215.963.5001

Email: jeremy.blumenfeld@morganlewis.com

Donald L. Havermann

Christopher A. Weals

Abbey M. Glenn

MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Ave NW

Washington, DC 20004-2541

Telephone: 202.739.3000

Facsimile: 202.739.3001

Email: donald.havermann@morganlewis.com

Email: christopher.weals@morganlewis.com

Email: abbey.glenn@morganlewis.com

/s/ James P. Cooney III

James P. Cooney III

N.C. State Bar No.: 12140

WOMBLE BOND DICKINSON (US) LLP

One Wells Fargo Center, Suite 3500

301 South College Street

Charlotte, NC 28202

Telephone: 704.331.4900

Facsimile: 704.331.4955

Jim.Cooney@wbd-us.com

Brent F. Powell

N.C. State Bar No.: 41938

WOMBLE BOND DICKINSON (US) LLP

One West Fourth Street

Winston-Salem, NC 27101

Telephone: 336.721.3600

Facsimile: 336.721.3660

Brent.Powell@wbd-us.com

CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2018, I electronically filed the foregoing Motion for Summary Judgment with the Clerk of Court using the CM/ECF system which will send notification of such filing and effectuate service to all counsel of record in this matter, including:

Jerome J. Schlichter
Michael A. Wolff
Troy A. Doles
Heather Lea
Sean E. Soyars
Kurt C. Struckhoff
**SCHLICHTER, BOGARD & DENTON,
LLP**

100 South Fourth Street, Suite 1200
St. Louis, MO 63102
Phone: (314) 621-6115
Fax: (314) 621-5934
jschlichter@uselaws.com
mwolff@uselaws.com
tdoles@uselaws.com
hlea@uselaws.com
ssoyars@uselaws.com
kstruckhoff@uselaws.com

Lead Counsel for Plaintiffs

David B. Puryear, Jr.
PURYEAR AND LINGLE, PLLC
5501-E Adams Farm Lane
Greensboro, NC 27407
(336) 218-0227
puryear@puryearandling.com

Local Counsel for Plaintiffs

/s/ Jeremy P. Blumenfeld

Jeremy P. Blumenfeld
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103-2921
Telephone: 215.963.5000
Facsimile: 215.963.5001
Email: jeremy.blumenfeld@morganlewis.com